

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

Alisha N. Cable, Individually)	
and As Next Of Kin to A.B.C.,)	
a Minor Child,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-435-JHP
)	
Wal-Mart Stores, Inc.;)	
Leviton Manufacturing Co., Inc.;)	
Pacific Electriccord Company;)	
Ho Wah Genting Kintron SDN BHD)	
d/b/a and f/k/a Kintron SDN BHD;)	
and Ho Wah Genting Berhad,)	
)	
Defendants.)	

FINDINGS AND RECOMMENDATIONS REGARDING MINOR SETTLEMENT

On the 31st day of May, 2012, the undersigned United States Magistrate Judge reviewed and considered the Parties' Motion for Approval of Settlement Agreement Involving Minor Child, A.B.C. filed May 18, 2012 (Docket Entry #90) which was referred by the Hon. James Payne, United States District Judge, under Fed. R. Civ. P. 72(b) and 28 U.S.C. §636(b)(1). (Docket Entry #92). Having considered the arguments set forth in the motion, as well as the evidence attached to it, including the Full and Final Confidential Settlement Agreement and Release (filed under seal), and evidence submitted at the May 31, 2012 hearing, the undersigned finds the motion is has merit, that the settlement is fair and is in the best interests of A.B.C., the minor son of Alisha N.

Cable, Plaintiff, and finds and recommends that it be approved and granted in all respects.

In terms of allocating the settlement money, the undersigned finds that Plaintiff's counsel's reduced 40% contingent fee is appropriate and that counsel's expenses are reasonable and appropriate. It is recommended that counsel be entitled to calculate its 40% fee based on the total settlement funds received, then deduct their expenses from the funds remaining after the fee is paid. Finally, the Court recommends that Plaintiff's counsel be ordered to pay the medical expenses of \$11,762.37 to the appropriate providers, as listed in the declaration of Mr. Majors that is on file in this case.

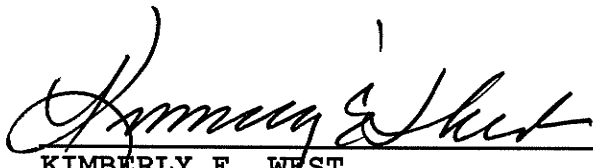
As for the remaining funds after these fee, litigation expense, and medical-expense deductions, and as between Alisha N. Cable and her son, the undersigned finds that Ms. Cable's request for a \$5,000.00 allocation is reasonable and appropriate. It is recommended that Ms. Cable be allocated \$5,000.00 and that she be paid this amount once the settlement funds are received from Wal-Mart. It is also recommended that the remaining balance of the settlement funds be deposited into an interest-bearing bank account at a federally insured banking institution, and may be disbursed for the benefit of A.B.C, prior to him turning age 18, only upon approval by the Court as per 12 O.S. §83 (A, B). It is recommended that A.B.C. be able

to petition the Court for a final disbursement of any funds remaining in the interest-bearing account upon reaching the age of 18.

Finally, it is recommended that counsel for Plaintiffs be ordered to file, under seal, a brief accounting of all funds disbursed within one (1) week after the final disbursement is made.

The parties are herewith given fourteen (14) days from the date of the service of these Findings and Recommendation to file with the Clerk of the court any objections, with supporting brief. Failure to object to the Findings and Recommendation within fourteen (14) days will preclude appellate review of the judgment of the District Court based on such findings.

SIGNED this 5th day of June, 2012.


KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE